

FINAL STATEMENT OF REASONS

Disposition Options for Universal Waste Cathode Ray Tubes (CRTs) and CRT Glass

SEPTEMBER 2018

Department of Toxic Substances Control Reference Number R-2011-03

Office of Administrative Law Notice File Number: Z-2018-0625-01

UPDATE OF INITIAL STATEMENT OF REASONS

As authorized by Government Code section 11346.9, subsection (d), the Department of Toxic Substances Control (DTSC) incorporates by reference the Initial Statement of Reasons prepared for this rulemaking.

This regulation was noticed one time for public review and comment:

45-day Public Review and Comment Period:

The public notice and comment period for this rulemaking proposal began on July 6, 2018, and ended on August 20, 2018. The public hearing on the proposed regulations was held on August 20, 2018.

The regulatory text, first proposed in July of 2018, has undergone neither substantive nor non-substantive changes.

FISCAL IMPACT ESTIMATES

The four different fiscal estimates required by Gov. Code 11346.5(a)(6) were not clearly stated in the 45-day Public Notice. The required fiscal estimates are as follows:

COST OR SAVINGS TO LOCAL AGENCIES OR SCHOOL DISTRICTS SUBJECT TO REIMBURSEMENT

DTSC determined that the proposed regulations would not result in costs or savings for any local agency or school district that is required to be reimbursed pursuant to Part 7 of Division 4, commencing with section 17500 of the Government Code.

COST OR SAVINGS TO STATE AGENCIES

The proposed regulation will not lead to additional state costs, as the fiscal costs upon DTSC will be absorbed with existing resources. The fiscal costs to be absorbed by DTSC are estimated to be \$0 in fiscal year 2017/2018; \$35,385 in fiscal year 2018/2019; and \$3,491 in fiscal year 2019/2020 as detailed in the Attachment 1 to the Economic and Fiscal Impact Statement (STD. 399).

NON-DISCRETIONARY COST OR SAVINGS TO LOCAL AGENCIES

DTSC determined that the proposed regulations would not impose any non-discretionary costs or savings upon any local agency.

COST OR SAVINGS IN FEDERAL FUNDING TO THE STATE

DTSC determined that the proposed regulations would not result in any decrease or increase in federal funds received by the State of California.

LOCAL MANDATE DETERMINATION

The proposed regulations do not impose any mandate on local agencies or school districts.

ALTERNATIVES DETERMINATION

DTSC determined that no reasonable alternatives considered would be more effective in meeting the purpose for which the action is proposed or would be as effective and less burdensome than the proposed regulations. Equally, none of the alternatives considered would be more cost-effective to affected private persons or as effective in implementing the statutory policy or other provision of law. DTSC did not receive any proposed alternatives that would lessen the impact on small businesses.

Chosen Alternative: Expand the existing options for the disposition of CRTs and CRT glass currently regulated under DTSC's universal waste regulations. By removing the requirement that a universal waste handler may treat CRTs only if the glass is sent for recycling to either a CRT glass manufacturer or a primary or secondary lead smelter, the handler will be able to treat the CRTs and CRT glass (destined for disposal) under universal waste rules. Universal waste handlers will have two options to dispose of CRTs and CRT glass. The first option allows disposal to a permitted hazardous waste facility, managed as fully regulated hazardous waste, when the decision to dispose is made. The second option, which applies to CRT glass that does not contain lead and is properly separated from lead containing CRT glass, allows disposal to specified non-hazardous waste landfills (commonly known as class II or III landfills), if specific requirements are met, including waste criteria requirements prior to disposal.

Considered and Rejected Alternatives:

Alternative 1: Amend universal waste regulations to allow recycling by means other than CRT glass manufacturing and lead smelting. This alternative allows the universal waste handler to determine whether the CRT glass can be recycled as ERM and includes an entire article outlining an optional ERM concurrence process offered by DTSC to determine whether the CRT glass is excluded from regulation as hazardous waste for specific alternative recycling methods. This alternative was implemented as

part of the emergency regulations in 2012 and the two subsequent re-adoptions of the emergency regulations in 2014 and 2016 to promote legitimate recycling efforts by stakeholders. However, because no clear, viable alternative recycling methods emerged during the entire period in which the emergency regulations were in effect, DTSC does not seek to finalize this alternative.

Alternative 2: Amend Universal Waste regulations by DTSC identifying and listing only specific recycling options in addition to CRT glass manufacturing and primary and secondary lead smelting. This alternative was considered but not included in the emergency regulations because no known, viable alternative recycling option had been identified.

ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

DTSC did not receive any proposed alternatives during the public comment period that would lessen any adverse economic impacts on small businesses.

SUMMARY AND RESPONSE TO COMMENTS

This section summarizes and responds to public comments submitted to DTSC regarding the proposed rulemaking, *Disposition Options for Universal Waste Cathode Ray Tubes (CRTs) and CRT Glass*. DTSC appreciates the comments submitted by the interested stakeholders.

List of Comments

Comment Number #	Commenter Name	Affiliation
1A	Jess Panopio	Cal Micro Recycling
2A	Jeremy Rosenfeld*	US Ecology
PH1	Jeremy Rosenfeld	US Ecology

* Commenter presented an oral statement and submitted a written statement

Support of the Proposed Regulations

Comment Summary: 2A, PH1

Commenter supports the approach and the specific language that DTSC has adopted in the draft regulations and provided the following supporting arguments:

- Agrees with the option to dispose of CRT glass in RCRA Permitted landfills.
- Managing CRT glass as RCRA hazardous waste is the best option to protect the environment in the long term.
- Treatment and disposal in accordance with federal RCRA regulations presents the safest and most effective means of dealing with the large volume of CRT glass.

- Because of the changes in the electronics market and the lack of demand for recycled CRT glass, safe and responsible management practices for the disposal of this CRT material is necessary.
- Support DTSC's decision to allow for the disposal of CRT glass in RCRA permitted Hazardous Waste landfills.

Comment Response: DTSC acknowledges the support offered by these comments and appreciates the feedback on the regulations. DTSC made no changes to the regulation in response to these comments.

Technical Question

Comment Summary: 1A

In the email received, the commenter asks if *"a universal waste handler/recycler would still need a closure plan to perform the treatment method of manual separation of CRT/CRT Glass [under the proposed regulations]?"*

Comment Response (quoted via email): *"Yes, [as a universal waste handler/recycler] you do still need to have a closure plan and financial assurance to perform treatment on CRTs and CRT glass. This line in the regulations clarifies that a universal waste handler who intends to properly dispose of CRTs and CRT glass, need not acquire a permit in order to even accept CRT devices and CRTs in the first place. The original regulations did not allow universal waste handlers to dispose of CRTs and CRT glass. The entity could not simply be a universal waste handler and would have to get a full/standardized permit in order to do anything with CRTs."*

The commenter did not indicate any support or opposition or suggestions to revise the regulation text. DTSC made no changes to the regulation in response to this comment.